

June 21, 2000

Never Mind Armed Criminals — Harass Those Taxpayers!

Clinton, Gore Care Less About Stopping Gun Violence Than Filling Tax Coffers

It's April 15. Across the street from the post office where you're mailing your tax forms, an ex-con is falsifying a federal form in hopes of illegally buying a gun. You're obeying the law; he's committing a felony punishable by 10 years in prison. Guess what? **The Clinton-Gore Administration is eight times more likely to audit you than prosecute that felon.** Its tough-on-crime rhetoric aside, the Clinton-Gore Administration shakes down taxpayers more aggressively than it enforces existing gun laws.

- In 1997 the Clinton-Gore Administration audited 1,519,243 taxpayers and prosecuted only 5,993 federal firearms cases.
- The odds that this Administration will prosecute even a readily-identifiable felon trying to buy a gun illegally are 1-in-609. The odds that it will audit you are 1-in-78. Thus, under Clinton-Gore, **the average taxpayer's odds of being audited are about eight times higher than the odds for a felon to be prosecuted for illegally trying to obtain a gun.**
- In 1998 U.S. attorneys prosecuted fewer than 0.16 percent of 182,849 known incidents of a prohibited person lying on a federal gun purchase form. **To prosecute even one out of every 100 such gun crimes handed to it on a plate, the Clinton-Gore Administration would have to increase its enforcement efforts six-fold.**
- This Administration has failed to prosecute 500,000 gun-hungry felons, fugitives, drug addicts, mental defectives, and wife-beaters since 1994. These people are still at large and able to buy guns from illegal dealers.

This situation becomes more outrageous when we consider the National Instant Check System (NICS) gives law enforcement the perfect tool for prosecuting criminals who try to buy guns.

To buy a gun from a licensed dealer, applicants must undergo a NICS background check and attest on a federal form that they are not disqualified from purchasing a firearm. To falsify that form knowingly is a felony (18 U.S.C. § 922(a)(6)) punishable by 10 years in prison.

In 1998 federal and state criminal background checks resulted in 179,000 denials to prospective buyers and 3,849 "delayed denials."

- That is, in its first year the NICS uncovered up to 182,849 felonies. (Not all denied applicants necessarily broke the law. Some 3 percent of federal denials have been reversed on appeal, and some applicants could have falsified their applications unknowingly. Still, 75 percent of rejected applicants were felons or fugitives, with the remainder disqualified mostly due to a history of domestic violence, mental illness, or drug addiction.)
- Moreover, the NICS instantly conveyed to police the locations of up to 179,000 felonies-in-progress, plus the names, addresses, and photos (many gun stores have security cameras) of each potential felon. (Information on the remaining 3,849 likely felonies came later.)
- Yet even with their work cut out for them, Messrs. Clinton and Gore barely lifted a finger to get these felons off the streets. In 1998, the Administration prosecuted only 300 people (0.16 percent of 182,849) under § 922(a), and many of these cases were for offenses *other than* lying to obtain a firearm.
- By comparison, the Clinton-Gore Administration audited 1,519,243 Americans (1.3 percent of 118,362,600 individual filers) in 1997 (the most recent data available).

Thus, taxpayers are eight times more likely to be audited by the IRS than felons in search of guns are to be prosecuted. Such a record could only make sense to an administration more interested in harassing law-abiding taxpayers than gun-hungry felons.

A citizen files his taxes. A convicted felon tries to buy a gun. Whom do Messrs. Clinton and Gore see as the bigger threat?

RPC Staff Contact: Michael F. Cannon, 224-2946

Sources:

Lea S. Gifford *et al.*, "Background Checks and Firearm Transfers, 1999," *Bureau of Justice Statistics Bulletin*, 6/00, <http://www.ojp.usdoj.gov/bjs/pub/pdf/bcft99.pdf>.
National Instant Criminal Background Check System (NICS) Operations Report (November 30, 1998 - December 31, 1999), U.S. Federal Bureau of Investigation, Criminal Justice Information Services Division, 3/1/00, <http://www.fbi.gov/programs/nics/nic1year.pdf>.
John Scalia, "Federal Firearm Offenders, 1992-98," *Bureau of Justice Statistics Special Report*, 6/00, <http://www.ojp.usdoj.gov/bjs/pub/pdf/ffo98.pdf>, (while report lists preliminary figures for 1999, BJS subsequently provided final data for 1999).
1997 Internal Revenue Service Data Book, Publication 55B.